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ENDORSED
FILED
ALAMEDA COUNTY

MAR 26 2010

CLERK OF THE SUPERIOR COURT
By LINDNELL WILLIAMS
Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF ALAMEDA

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12 MARK BECKWITH, RYAN HALL,
ALBERTA BACHMAN, CHRISTINE
13 ADAMS, JEROME BOURARD, and JAMES
MOSS,

14
15 Petitioners,

16 v.

17 JOHN WAGNER, Director of the California
Department of Social Services, CALIFORNIA
18 DEPARTMENT OF SOCIAL SERVICES,
DAVID MAXWELL-JOLLY, Director of
19 California Department of Health Care Services,
CALIFORNIA DEPARTMENT OF HEALTH
20 CARE SERVICES,

21 Respondents.
22

Case No. RG09484051

~~PROPOSED~~ WRIT OF MANDATE

23 TO: RESPONDENTS CALIFORNIA DEPARTMENT OF SOCIAL SERVICES,
24 CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES, JOHN WAGNER,
25 DIRECTOR OF CALIFORNIA DEPARTMENT OF SOCIAL SERVICES, AND DAVID
26 MAXWELL-JOLLY, DIRECTOR OF CALIFORNIA DEPARTMENT OF HEALTH CARE
27 SERVICES, in their official capacities as specified above:
28

1 Petitioners having served and filed their Verified Petition for Issuance of Peremptory or
2 Alternative Writ of Mandamus, petitioner Ellis having been dismissed without prejudice from this
3 action, and the hearing on the writ having been held, this Court issued, on February 9, 2010, its
4 Order Granting Petition for Writ of Mandate, as attached.

5 THEREFORE, CALIFORNIA DEPARTMENT OF SOCIAL SERVICES, CALIFORNIA
6 DEPARTMENT OF HEALTH CARE SERVICES, JOHN WAGNER, DIRECTOR OF
7 CALIFORNIA DEPARTMENT OF SOCIAL SERVICES, AND DAVID MAXWELL-JOLLY,
8 DIRECTOR OF CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES, in their
9 official capacities as specified above, are HEREBY COMMANDED to:

10 (1) rescind and refrain from enforcing the policy, as reflected in All-County Letter No. 09-
11 52 ("ACL"), providing that any person who has ever been convicted of a felony or certain serious
12 misdemeanor crimes is ineligible to be an In-Home Supportive Services (IHSS) provider;

13 (2) refrain from disqualifying applicants or finding persons ineligible to be an IHSS
14 provider on the basis of criminal convictions, other than finding persons ineligible for 10 years
15 following a conviction for an offense specified in Welfare and Institutions Code section
16 12305.81, subd. (a);

17 (3) notify all individuals previously denied IHSS provider status pursuant to the policy
18 described in paragraph (1) that the policy has been rescinded; that previously disqualified persons
19 may re-apply; and that the standards for disqualification are specified in Welfare and Institutions
20 Code section 12305.81, subd. (a).

21 The Department of Social Services will post notice of this order on its website.
22
23

24 Dated: **MAR 26 2010**

DAVID E. HUNTER

David E. Hunter
Judge of the Alameda County Superior Court

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Gail Ellis, et al. v. John Wagner, Director, CDSS**
Case No.: **RG09484051**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On March 16, 2010, I served the attached **[PROPOSED] ORDER** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Peter E. Sheehan, Esq.
Social Justice Law Project
The Social Justice Law Project
510 16th Street, Suite 201
Oakland, CA 94612

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 16, 2010, at San Francisco, California.

Joan Randolph
Declarant

Joan Randolph
Signature